

revoked from methyl are narrowed to cover only ethyl parathion, effective September 3, 2002. These expire on December 31, 2005.

On June 2, 2000 (65 FR 35307) (FRL-6491-9), EPA had proposed to revoke the tolerances for a number of commodities listed in 40 CFR 180.121. Although the tolerance for loganberries had not been proposed for revocation in that notice, the final rule on January 5, 2001 (66 FR 1241) (FRL-6752-6), inadvertently removed this tolerance from 40 CFR 180.121. EPA formally proposed revocation of the tolerance for loganberries on February 6, 2002. No comments were received requesting that the tolerance be retained.

Methyl parathion tolerances for guar beans and parsley are revoked effective September 3, 2002.

Ethyl parathion tolerances for apples; artichokes; beets, greens; beets, with or without tops; broccoli, Brussel sprouts; carrots; cauliflower; celery; cherries; collards; grapes; kale; kohlrabi; lettuce; mustard greens; nectarines; peaches; pears; plums, fresh; prunes; rutabaga tops; rutabagas, with or without tops; spinach; tomatoes; turnip greens; turnips, with or without tops; and vetch are revoked effective September 3, 2002.

The tolerances for almonds; almond hulls; beets, sugar; beets, sugar, tops; cabbage; dried beans; dried peas; peas; forage; grass, forage; hops; oats; onions; peanuts; pecans; rice; sweet potatoes; walnuts; and white potatoes are narrowed to cover only methyl parathion, effective September 3, 2002.

The tolerances for alfalfa, fresh; alfalfa, hay; barley; corn; corn, forage; cotton, undelinted seed; rapeseed; sorghum; sorghum, grain, stover; sorghum, grain, forage; soybean; soybean, hay; sunflower, seed; and wheat expire on December 31, 2005. Except for the tolerances on sorghum products as noted above, these tolerances are also narrowed to cover only methyl parathion, effective September 3, 2002.

These tolerances in or on specified commodities listed above are being revoked because these pesticides are not registered under FIFRA for uses on those commodities. The tolerances revoked by this final rule are no longer necessary to cover residues of methyl or ethyl parathion in or on domestically treated commodities or commodities treated outside but imported into the United States. Methyl and ethyl parathion are no longer used on those specified commodities within the United States, and no one commented in response to the February 6, 2002 rule proposing these revocations that there was a need for EPA to retain any of the

tolerances listed in the proposal to cover residues in or on imported foods.

The regulatory actions in this document pertain to the revocation of 73 tolerances of which 66 would be counted among tolerance/exemption reassessments made toward the August 2002 review deadline. The remaining seven tolerances are not found in the current baseline total of tolerances to be reassessed by the 2002 deadline.

#### *B. What is the Agency's Authority for Taking this Action?*

It is EPA's general practice to revoke tolerances for residues of pesticide active ingredients on crop uses for which FIFRA registrations no longer exist. EPA has historically been concerned that retention of tolerances that are not necessary to cover residues in or on legally treated foods may encourage misuse of pesticides within the United States. Nonetheless, EPA will establish and maintain tolerances even when corresponding domestic uses are canceled if the tolerances, which EPA refers to as "import tolerances," are necessary to allow importation into the United States of food containing such pesticide residues. However, where there are no imported commodities that require these import tolerances, the Agency believes it is appropriate to revoke tolerances for unregistered pesticides in order to prevent potential misuse.

#### *C. When Do These Actions Become Effective?*

These actions become effective 90 days following publication of this final rule in the **Federal Register**, although some of the ethyl parathion tolerances will not expire until December 31, 2005. EPA has delayed the effectiveness of these revocations for 90 days following publication of this final rule to ensure that all affected parties receive notice of EPA's actions. Consequently, the effective date is September 3, 2002. For this final rule, tolerances that were revoked because registered uses did not exist concerned uses which have been canceled for many years. Therefore, commodities containing these pesticide residues should have cleared the channels of trade.

Any commodities listed in the regulatory text of this document that are treated with the pesticides subject to this final rule, and that are in the channels of trade following the tolerance revocations, shall be subject to FFDCA section 408(1)(5), as established by the FQPA. Under this section, any residue of these pesticides in or on such food shall not render the food adulterated so long as it is shown to the

satisfaction of FDA that, (1) the residue is present as the result of an application or use of the pesticide at a time and in a manner that was lawful under FIFRA, and (2) the residue does not exceed the level that was authorized at the time of the application or use to be present on the food under a tolerance or exemption from a tolerance. Evidence to show that food was lawfully treated may include records that verify the dates that the pesticide was applied to such food.

#### *D. What is the Contribution to Tolerance Reassessment?*

By law, EPA is required by August 2002 to reassess 66% or about 6,400 of the tolerances in existence on August 2, 1996. EPA is also required to assess the remaining tolerances by August 2006. As of April 29, 2002, EPA has reassessed over 4,140 tolerances. In this rule, EPA is revoking a total of 73 tolerances of which 66 will count as reassessments toward the August 2002 review deadline of FFDCA section 408(q), as amended by FQPA in 1996. The other 7 tolerances were not included in the baseline tolerance count of 6,400 tolerances.

#### **III. Are There Any International Trade Issues Raised by this Final Action?**

EPA is working to ensure that the U.S. tolerance reassessment program under FQPA does not disrupt international trade. EPA considers Codex Maximum Residue Limits (MRLs) in setting U.S. tolerances and in reassessing them. MRLs are established by the Codex Committee on Pesticide Residues, a committee within the Codex Alimentarius Commission, an international organization formed to promote the coordination of international food standards. When possible, EPA seeks to harmonize U.S. tolerances with Codex MRLs. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain in a **Federal Register** document the reasons for departing from the Codex level. EPA's effort to harmonize with Codex MRLs is summarized in the tolerance reassessment section of individual REDs. EPA has developed guidance concerning submissions for import tolerance support (65 FR 35069, June 1, 2000) (FRL-6559-3). This guidance will be made available to interested persons. Electronic copies are available on the internet at <http://www.epa.gov/>. On the Home Page select "Laws and Regulations," then select "Regulations and Proposed Rules" and then look up the entry for this document under "**Federal Register—Environmental Documents.**" You can

also go directly to the "Federal Register" listings at <http://www.epa.gov/fedrgstr/>.

#### IV. Objections and Hearing Requests

##### A. What Do I Need to Do to File an Objection or Request a Hearing?

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number OPP-2002-0067 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before August 5, 2002.

1. *Filing the request.* Your objection must specify the specific provisions in the regulation that you object to, and the grounds for the objections (40 CFR 178.25). If a hearing is requested, the objections must include a statement of the factual issues(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

Mail your written request to: Office of the Hearing Clerk (1900), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. You may also deliver your request to the Office of the Hearing Clerk in Rm. C400, Waterside Mall, 401 M St., SW., Washington, DC 20460. The Office of the Hearing Clerk is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Office of the Hearing Clerk is (202) 260-4865.

2. *Objection/hearing fee payment.* If you file an objection or request a hearing, you must also pay the fee prescribed by 40 CFR 180.33(i) or request a waiver of that fee pursuant to 40 CFR 180.33(m). You must mail the fee to: EPA Headquarters Accounting Operations Branch, Office of Pesticide Programs, P.O. Box 360277M, Pittsburgh, PA 15251. Please identify the fee submission by labeling it "Tolerance Petition Fees."

EPA is authorized to waive any fee requirement "when in the judgement of

the Administrator such a waiver or refund is equitable and not contrary to the purpose of this subsection." For additional information regarding the waiver of these fees, you may contact James Tompkins by phone at (703) 305-5697, by e-mail at [tompkins.jim@epa.gov](mailto:tompkins.jim@epa.gov), or by mailing a request for information to Mr. Tompkins at Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

If you would like to request a waiver of the tolerance objection fees, you must mail your request for such a waiver to: James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

3. *Copies for the Docket.* In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit IV.A., you should also send a copy of your request to the PIRIB for its inclusion in the official record that is described in Unit I.B.2. Mail your copies, identified by docket ID number OPP-2002-0067, to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. In person or by courier, bring a copy to the location of the PIRIB described in Unit I.B.2. You may also send an electronic copy of your request via e-mail to: [opp-docket@epa.gov](mailto:opp-docket@epa.gov). Please use an ASCII file format and avoid the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 6.1/8.0 or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

##### B. When Will the Agency Grant a Request for a Hearing?

A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

#### V. Regulatory Assessment Requirements

This final rule will revoke tolerances established under FFDCA section 408. The Office of Management and Budget (OMB) has exempted this type of action (i.e., a tolerance revocation for which extraordinary circumstances do not exist) from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). Because this final rule has been exempted from review under Executive Order 12866 due to its lack of significance, this final rule is not subject to Executive Order 13211, *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104-4). Nor does it require any special considerations as required by Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994); or OMB review or any other Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104-113, section 12(d) (15 U.S.C. 272 note). Pursuant to the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), the Agency previously assessed whether revocations of tolerances might significantly impact a substantial number of small entities and concluded that, as a general matter, these actions do not impose a significant economic impact on a substantial number of small entities. This analysis was published on December 17, 1997 (62 FR 66020), and was provided to the Chief Counsel for Advocacy of the Small Business Administration. Taking into account this analysis, and available information concerning the pesticides listed in this rule, I certify that this action will not have a significant economic impact on a substantial number of small entities. Specifically, as per the 1997 notice, EPA has reviewed

its available data on imports and foreign pesticide usage and concludes that there is a reasonable international supply of food not treated with canceled pesticides. Furthermore, the Agency knows of no extraordinary circumstances that exist as to the present revocations that would change EPA's previous analysis.

In addition, the Agency has determined that this action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive Order to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government." This final rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). For these same reasons, the Agency has determined that this rule does not have any "tribal implications" as described in Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000). Executive Order 13175, requires EPA to develop an accountable process to ensure "meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications." "Policies that have tribal implications" is defined in the Executive Order to include regulations

that have "substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and the Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes." This rule will not have substantial direct effects on tribal governments, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule.

#### VI. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this final rule in the *Federal Register*. This final rule is not a "major rule" as defined by 5 U.S.C. 804(2).

#### List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: May 20, 2002.

Marcia E. Mulkey,

Director, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is amended as follows:

#### PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346(a) and 371.

2. Section 180.121 is amended by revising the section heading and paragraph (a) to read as follows:

#### § 180.121 Methyl parathion; tolerances for residues.

(a) *General*. Tolerances are established for residues of the insecticide parathion *O, O*-Dimethyl-*O*-p-nitrophenyl thiophosphate (the methyl homolog of parathion) in or on the following raw agricultural commodities:

Commodity	Parts per million
Alfalfa, fresh .....	1.25
Alfalfa, hay .....	5.0
Almond .....	0.1
Almond, hull .....	3.0
Barley .....	1.0
Bean, dried .....	1.0
Beet, sugar .....	0.1
Beet, sugar, top .....	0.1
Cabbage .....	1.0
Corn .....	1.0
Corn, forage .....	1.0
Cotton, seed .....	0.75
Grass, forage .....	1.0
Hop .....	1.0
Oat .....	1.0
Onion .....	1.0
Peanut .....	1.0
Pea, dried .....	1.0
Pea, forage .....	1.0
Pecan .....	0.1
Potato .....	0.1
Rape, seed .....	0.2
Rice .....	1.0
Soybean .....	0.1
Soybean, hay .....	1.0
Sunflower, seed .....	0.2
Sweet potato .....	0.1
Walnut .....	0.1
Wheat .....	1.0

\* \* \* \* \*

3. Section 180.122 is added to read as follows:

#### § 180.122 Parathion; tolerances for residues.

(a) *General*. Tolerances are established for residues of the insecticide parathion (*O, O*-Diethyl-*O*-p-nitrophenyl thiophosphate) in or on the following raw agricultural commodities:

Commodity	Parts per million	Expiration/Revocation Date
Alfalfa, fresh .....	1.25	12/31/05
Alfalfa, hay .....	5.0	12/31/05
Barley .....	1.0	12/31/05
Corn .....	1.0	12/31/05
Corn, forage .....	1.0	12/31/05
Cotton, seed .....	0.75	12/31/05
Rape, seed .....	0.2	12/31/05
Sorghum .....	0.1	12/31/05
Sorghum, fodder .....	3.0	12/31/05
Sorghum, forage .....	3.0	12/31/05

Commodity	Parts per million	Expiration/Revocation Date
Soybean .....	0.1	12/31/05
Soybean, hay .....	1.0	12/31/05
Sunflower, seed .....	0.2	12/31/05
Wheat .....	1.0	12/31/05

(b) *Section 18 emergency exemptions.*  
[Reserved]

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.*  
[Reserved]

[FR Doc. 02-13519 Filed 6-4-02; 8:45 am]

BILLING CODE 6560-50-S

## GENERAL SERVICES ADMINISTRATION

### 41 CFR Chapter 301

[FTR Amendment 105]

RIN 3090-AH62

### Federal Travel Regulation; Maximum Per Diem Rates

AGENCY: Office of Governmentwide  
Policy, GSA.

ACTION: Final rule.

**SUMMARY:** To improve the ability of the per diem rates to meet the lodging demands of Federal travelers to high cost travel locations, the General Services Administration (GSA) has integrated the contracting mechanism of the new Federal Premier Lodging Program (FPLP) into the per diem rate-setting process. An analysis of FPLP contracting actions and the lodging rate survey data reveals that the maximum per diem rate for the State of Maryland, city of Baltimore including Baltimore County, and Lexington Park/Leonardtown/Lusby, including St. Mary's and Calvert Counties; and the State of Tennessee, city of Memphis including Shelby County, should be increased; and the maximum per diem rate for State of Alabama, city of Montgomery, including Montgomery County, should be decreased to provide for the reimbursement of Federal employees' lodging expenses covered by the per diem. This final rule increases the maximum lodging amounts in the prescribed areas.

EFFECTIVE DATE: May 15, 2002.

FOR FURTHER INFORMATION CONTACT:  
Joddy P. Garner, Office of

Governmentwide Policy, Travel  
Management Policy, at 202-501-4857.

### SUPPLEMENTARY INFORMATION:

#### A. Background

In the past, properties in high cost travel areas have been under no obligation to provide lodging to Federal travelers at the prescribed per diem rate. Thus, GSA established the FPLP to contract directly with properties in high cost travel markets to make available a set number of rooms to Federal travelers at contract rates. FPLP contract results along with the lodging survey data are integrated together to determine reasonable per diem rates that more accurately reflect lodging costs in these areas. In addition, the FPLP will enhance the Government's ability to better meet its overall room night demand, and allow travelers to find lodging close to where they need to conduct business. After an analysis of this additional data, the maximum lodging amounts are being changed in Montgomery, Alabama; Memphis, Tennessee; Baltimore, Maryland; and Lexington Park/Leonardtown/Lusby, Maryland.

#### B. Executive Order 12866

GSA has determined that this final rule is not a significant regulatory action for the purposes of Executive Order 12866 of September 30, 1993.

#### C. Regulatory Flexibility Act

This final rule is not required to be published in the *Federal Register* for notice and comment; therefore, the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, does not apply.

#### D. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the proposed revisions do not impose record keeping or information collection requirements, or the collection of information from offerors, contractors, or members of the public which require the approval of the Office of Management and Budget under 44 U.S.C. 501 *et seq.*

### E. Small Business Regulatory Enforcement Fairness Act

This final rule is also exempt from congressional review prescribed under 5 U.S.C. 801 since it relates solely to agency management and personnel.

### List of Subjects 41 CFR Chapter 301

Government employees, Travel and transportation expenses.

For the reasons set forth in the preamble, under 5 U.S.C. 5701-5709, 41 CFR chapter 301 is amended as follows:

### CHAPTER 301—TEMPORARY DUTY (TDY) TRAVEL ALLOWANCES

1. In Chapter 301, amend the table in Appendix A as follows:

a. At the entry for Montgomery, Alabama, including Montgomery County, the column entitled "Maximum lodging amount" is revised to read "57" and the column entitled "Maximum per diem rate" is revised to read "95".

b. At the entry for Baltimore, Maryland, including Baltimore County, the column entitled "Maximum lodging amount" is revised to read "137" and the column entitled "Maximum per diem rate" is revised to read "179".

c. At the entries for Lexington Park/Leonardtown/Lusby, Maryland, including St. Mary's and Calvert Counties, the column entitled "Maximum lodging amount" is revised to read "72" and the column entitled "Maximum per diem rate" is revised to read "106".

d. At the entry for Memphis, Tennessee, city of Memphis, including Shelby County, the column entitled "Maximum lodging amount" is revised to read "75" and the column entitled "Maximum per diem rate" is revised to read "113".

The revised pages containing the amendments to the table set forth above read as follows:

### Appendix A to Chapter 301— Prescribed Maximum Per Diem Rates for CONUS

\* \* \* \* \*

BILLING CODE 6820-14-P